

### **REMARKS**

Claims 1-41 are pending in the present application. Claims 1, 19, 23, 26 and 39-41 have been amended.

Initially, Applicant thanks Examiner Keith George for the telephone discussion of October 2, 2003.

#### **Claim Objections**

Claim 26 is objected to because of a minor informality. Applicant asserts that the objection is now moot given the amendment to claim 26.

#### **Rejection Under 35 U.S.C. § 102**

Claims 1-15, 17, 19-35, 37 and 39-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Deschaine et al. (Deschaine). Applicant respectfully traverses.

With regard to claims 1 and 40, Applicant asserts Deschaine fails to disclose receiving signaling data from a first switch serving an origin location and controlling a second switch serving a destination location to direct traffic data from an origin location to said destination location associated with a call type, the second switch configured to direct traffic data of the first call type and the second call type as recited in claims 1 and 40. Instead, Deschaine, Fig. 2 and Col. 4, disclose a class 5 switch 16 serving an origin location and an internet routing element 24 that handles only an IP call type. For at least this

reason, Applicant asserts that Deschaine fails to disclose each and every element of claims 1 and 40.

With regard to claims 19 and 41, Applicant asserts Deschaine fails to disclose a first segment responsive to a first switch of a signaling network and second segment responsive to commands from a first segment for switching, using a second switch, received transmissions between a plurality of destination locations, at least one destination location being associated with a first call type and at least one destination location being associated with a second call type as recited in claims 19 and 41. Instead, Deschaine, Fig. 2 and Col. 4, disclose a class 5 switch 16 serving an origin location and an internet routing element 24 that handles only one call type. For at least this reason, Applicant asserts that Deschaine fails to disclose each and every element of claims 19 and 41.

With regard to claim 23, Applicant asserts Deschaine fails to disclose a receiver for receiving call set-up information of a first protocol from a first switch and a means for controlling a second switch serving a destination location to connect call data of a first call type to a first type destination network element and a call data of a second call type to a second type destination network element as recited in claim 23. Instead, Deschaine, Fig. 2 and Col. 4, disclose a class 5 switch 16 serving an origin location and an internet routing element 24 that handles only an IP call type. For at least this

reason, Applicant asserts that Deschaine et al. fail to disclose each and every element of claim 23.

With regard to claim 39, Applicant asserts Deschaine fails to disclose a plurality of asynchronous transfer mode switches, a destination call router for directing voice and data calls across the PSTN to call destinations and for providing network congestion relief for data calls, said calls including signaling and traffic from a first switch serving an originating location and each asynchronous transfer mode switch being a second switch serving a destination location, and a BICR controlling said plurality of asynchronous transfer mode switches to direct traffic to the destinations as recited in claim 39. Instead, Deschaine, Fig. 2 and Col. 4, disclose a class 5 switch 16 serving an origin location and an internet routing element 24 that handles only one call type. For at least this reason, Applicant asserts that Deschaine fails to disclose each and every element of claim 39.

With regard to claims 2-15, 17, 20-22, 24-35, and 37, Applicant asserts that they are allowable at least because they depend from one of independent claims 1, 19, 23, and 39 which are allowable.

Accordingly, withdrawal of the rejections and allowance of claims 1-41 is respectfully requested.

**Rejection Under 35 U.S.C. § 103**

Claims 16, 18, 36 and 38 are rejected under 35 U.S.C. § 103 as being unpatentable over Deschaine.

With regard to claims 16, 18, 36, and 38, Applicant asserts that they are allowable at least because they depend from one of independent claims 1 and 23 which are allowable.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

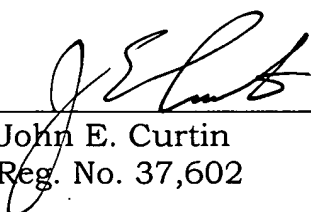
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit

Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16  
or 1.17; particularly, extension of time fees.

Very truly yours,

HARNES, DICKEY & PIERCE, PLC

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